

2017

Title IV-E Federal Foster Care Reimbursement Program Requirements





Title IV-E Federal Foster Care Reimbursement Program Requirements

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The Texas Department of Family and Protective Services (DFPS) is the Texas state agency that administers Title IV-E of the Social Security Act (42 United States Code §670 et seq.). The federal government reimburses DFPS for a portion of the foster care costs of eligible children served by DFPS. The Texas Juvenile Justice Department (TJJD) contracts with DFPS to make these federal funds available to reimburse a portion of the foster care costs of eligible children in the juvenile justice system.

This law was enacted to establish a program of adoption assistance, to strengthen foster care assistance for needy and dependent children, to improve the programs for child welfare, social services and assistance for needy families. To be eligible for this program, DFPS must manage the cases of eligible children in compliance with standards established by the Social Security Act, 42 USC §622. These requirements ensure careful management of children's cases to ensure their safety, permanency, and the well-being. They require a case plan and case review system designed to return children to their families or other permanent living arrangement at the earliest possible date. They require a system to track the location of children in placement at all times, even if they run away. The requirements also include protection of the rights of children and families.

TJJD encourages and will work with any juvenile board to enable juvenile probation departments to access these federal funds. In order to access these federal funds, a juvenile board must perform in the ways described in the program requirements and pursuant to any contractual requirements included in the Interagency Cooperation Contract between TJJD and DFPS and any other related federal or state regulations.

1. PURPOSE AND SCOPE.

The Title IV-E Federal Foster Care Reimbursement Program (Title IV-E Program) was established through an interagency agreement between TJJD and DFPS to allow juvenile boards to recoup federal funds for providing services to eligible children and costs related to administering the Title IV-E Program. The funds to be distributed under the terms of this agreement originate with the United States Department of Health and Human Services (DHHS) as the federal department administering the Catalog of Federal Domestic Assistance (CFDA) #93.658.

2. DEFINITIONS.

The following words and terms, when used in the program requirements, must have the following meanings, unless the context clearly indicates otherwise.

2.1 Aid to Families with Dependent Children (AFDC). A financial assistance program available to low income families who meet categorical requirements described in 40 TAC Part 1, Chapter 3 which is used to determine income limits for Title IV-E eligibility. The AFDC program has been renamed and is now known as Temporary Assistance for Needy Families (TANF).

2.2 Administrative Reimbursement. Reimbursements for the cost of administering the Title IV-E Program. The costs must be reasonable, allowable, and properly allocated.

2.2.1 Enhanced Administrative Reimbursement. Reimbursement of allowable expenditures for Title IV-E activities performed by allowable staff for Title IV-E certified children and/or



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reasonable candidates for foster care. This reimbursement is based on a cost allocation plan, a time study methodology, reasonable candidacy determinations, if applicable, and an eligibility rate.

2.2.2 Direct Administrative Reimbursement. Reimbursement for salaries and other expenditures directly related to providing services to Title IV-E certified children.

- 2.3 Another Planned Permanent Living Arrangement (APPLA).** The term “APPLA” was created by the Adoption and Safe Families Act of 1997 to replace the term “long-term foster care.” With APPLA, the agency maintains responsibility for care and placement of the child (who must be at least 16 years of age) and arranges a living situation in which the child is expected to remain until reaching adulthood. APPLA is a permanency option only after reunification, adoption, permanent guardianship or placement with a fit and willing relative are determined not to be in the best interest of the child. If this is the selected permanency plan, simultaneous pursuit of other permanency options must also be continued.
- 2.4 Caregiver.** A foster parent with whom a child in foster care has been placed, or a designated official in a child care institution in which a child has been placed who is responsible for the supervision, guidance and safety of the child while in placement.
- 2.5 DFPS Person Identification Number.** The number assigned by DFPS to a child once they have been certified as Title IV-E eligible.
- 2.6 DFPS Budget for Purchase of Services.** Also referred to as the “Budget Form 2030,” this document is submitted by the juvenile probation department at the start of each fiscal year to estimate the total Title IV-E costs (e.g., administrative costs, foster care maintenance costs and supplemental foster care maintenance costs) for which the juvenile probation department will be seeking reimbursement.
- 2.7 Eligibility Determination Notice.** The notification from DFPS which indicates whether children, for whom foster care assistance applications have been submitted, are eligible for Title IV-E. Upon receipt of the notice, TJJD notifies the juvenile probation department of the eligibility status via email. At the 12-month re-determination of eligibility, the juvenile probation department will receive a copy of the notice.
- 2.8 Eligibility Rate.** The percentage of Title IV-E certified children placed in foster care. This rate consists of the number of Title IV-E certified children for a specified time period (either monthly or quarterly) divided by the number of children in foster care for the same time period. This rate is applied to administrative costs in calculating the Title IV-E reimbursement.
- 2.9 Federal Medical Assistance Percentage (FMAP).** The percentage of a state’s Medicaid expenditures, other than administrative or other selected items of cost, which the federal government will pay. The percentage varies by state in accordance with a statutory formula. This rate is applied to foster care maintenance reimbursements and changes each fiscal year.



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- 2.10 Foster Care.** Foster care is defined in accordance with state and federal regulations to mean 24-hour supervised care for children who have been removed from their normal place of residence (e.g., the home of their parent, legal guardian, managing conservator, custodian, or relative) by an order of the juvenile court and placed in a foster care setting, and for whom the juvenile probation department has responsibility for care and placement. A child is considered to be in foster care, in accordance with this definition, regardless of whether the foster care facility is licensed and payments are made for the child's care or whether federal matching of any payments is made.
- 2.11 Foster Care Assistance Application.** An application completed and submitted by the juvenile probation department via the Title IV-E Program System (TPS) to determine eligibility of children for the Title IV-E Program. Applications are processed by TJJD staff and forwarded to DFPS for an eligibility determination.
- 2.12 Foster Care Reimbursement.** Reimbursement, also referred to as "maintenance", is the funding paid for the provision of residential placement services, which is based on the approved daily foster care rate being paid for the cost of food, clothing, shelter and daily supervision for a child placed in the care of a foster care provider.
- 2.13 Foster Care Setting.** Foster care settings include foster family homes and non-secure residential facilities licensed by DFPS (or other state licensing authority), public institutions operated by a governmental entity (up to 25 beds) approved by DFPS for foster care reimbursement or relative/kinship care (licensed or unlicensed).

Examples of foster care settings may include, but are not limited to:

- a. Emergency shelters;
- b. Residential treatment centers (RTCs);
- c. Maternity homes;
- d. Halfway houses;
- e. Child placing agencies (CPAs);
- f. Therapeutic camps;
- g. Basic child care facilities;
- h. Substance abuse treatment facilities;
- i. Non-secure county operated residential programs with no more than 25 beds;
- j. Foster family homes;
- k. Foster group homes;
- l. Therapeutic foster family homes;
- m. Therapeutic foster group homes; and
- n. Kinship/Relative care.

Examples of facilities that are not considered foster care may include but are not limited to:

- a. Psychiatric hospitals;



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- b. Boot camps;
- c. Pre-adjudication detention centers;
- d. Post adjudication secure facilities; and
- e. County operated residential programs with more than twenty-five beds.

2.14 General Grant Requirements. Requirements included in the TJJD State Aid and Targeted Grant Contract and General Grant Requirements.

2.15 Interstate Compact on the Placement of Children (ICPC). The ICPC establishes procedures for the interstate placement of children in residential facilities and the responsibilities for those involved in placing these children. ICPC is not to be confused with the Interstate Compact for Juveniles (ICJ) which establishes procedures for requesting supervision for juvenile probationers/parolees from other states, returning non-delinquent youth, probationers/parolees, and detaining juveniles from other states.

2.16 Juvenile Justice Services. Services provided by or under the authority of the juvenile probation department or other entity, including services contracted with third-party service providers, in response to a policy or directive instituted by the governing juvenile board or an order issued by a juvenile court and under the court's direction, including:

- a. Protective services;
- b. Prevention of delinquent conduct and conduct indicating a need for supervision;
- c. Diversion;
- d. Deferred prosecution;
- e. Foster care;
- f. Counseling;
- g. Supervision;
- h. Diagnostic, correctional and educational services; and
- i. Services provided by the juvenile probation department that are related to placement in and/or the operation of a non-secure residential program or a juvenile justice alternative education program.

2.17 Kinship/Relative Care. The placement of a child on court ordered probation, and for whom the juvenile probation department has responsibility for care and placement, into the home of a relative or other caregiver.

2.18 Legal Guardianship. A judicially created relationship between the child and custodian which is intended to be permanent and self-sustaining as evidenced by the transfer to the custodian of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person and decision making. The term "legal guardian" means the custodian in such a relationship.



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2.19 Level of Care.

2.19.1 Authorized Level of Care. A rating based on an assessment of the services needed by a child while in foster care.

2.19.2 Billing Level of Care. Determines the reimbursement rate based on the amount paid to the foster care provider.

2.20 Monthly Caseworker Visits. The Child and Family Services Improvement Act of 2006 (Public Law (P.L. 109-288) requires monthly case worker visits with Title IV-E certified children. The visits should be well planned, and focus on issues pertinent to case management to ensure the safety, permanency and well-being of children.

2.21 Periodic Review.

2.21.1 Administrative Review. A review that must be conducted within 6 months of the initial date of placement and every 6 months thereafter to evaluate the child's safety, the child and family's extent of compliance and progress toward achieving case plan objectives and the continuing necessity and appropriateness of placement. This review is open to the parent(s) of the child and must be conducted by a panel of appropriate persons, at least one of whom is not responsible for the case management of, or delivery of services to either the child or the parent(s) who are the subject of the review.

2.21.2 Permanency Hearing. A judicial hearing that must be conducted within 12 months of the initial date of placement and every 12 months thereafter to evaluate the child's safety, the child and family's extent of compliance and progress toward achieving case plan objectives and the continuing necessity and appropriateness of placement. This review is open to the parent(s) of the child.

2.22 Reasonable and Prudent Parent Standard (RPPS). The standard characterized by careful and sensible parental decisions that maintain the health, safety and best interest of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver must use when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural and social activities. Examples of such activities may include, but are not limited to, sports, field trips, overnight activities (lasting one or more days) and decisions made regarding signing permission slips and arranging transportation for the child to and from these activities.

2.23 Reasonable Candidate. A candidate for foster care is a child, on court-ordered probation or court-ordered deferred prosecution who is at imminent risk of removal from his/her home and placement into foster care as evidenced by the JPD either pursuing his/her removal from the home or making reasonable efforts to prevent such removal. The case plan or case plan update must clearly indicate that, absent effective preventative services, foster care is the planned arrangement for the child. A case plan or case plan update that sets foster care as the goal for the child, absent preventative services, is an indication that the child is at serious risk of removal because the



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department believes that a plan of action is needed to prevent that removal. A child cannot be considered a candidate because he/she has been described to be “at risk” due to circumstances such as social/interpersonal problems or a dysfunctional home environment. This determination must be based on current factors (within the previous 6 months) which place the child at risk of harm (as referenced in the CPS Handbook Section 2113, “Statutory Definitions of Child Abuse and Neglect”).

- 2.24 Service Provider.** A public or private vendor that is funded in whole or in part using program funds and obligated under the terms of a procurement contract with the juvenile probation department to provide goods and/or services for the operation, management or administration of juvenile probation services and juvenile justice programs.
- 2.25 Sex Trafficking.**
- 2.25.1** Compelling or encouraging a child to engage in sexual conduct as defined by Section 43.01, Penal Code, including conduct that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(a)(2), Penal Code, or compelling prostitution under Section 43.05(a)(2) Penal Code; or
 - 2.25.2** Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(7) or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of these sections.
- 2.26 Supplemental Foster Care Maintenance.** Allowable expenditures incurred by the juvenile probation department for Title IV-E certified children for costs not covered by the foster care daily rate.
- 2.27 Time Study Methodology.** A methodology used by the juvenile probation department to determine the percentage of staff time used to perform Title IV-E allowable activities. The 2 approved time study methodologies are Random Moment Sampling (RMS) and the Continuous Time Reporting System (e.g., timesheets).
- 2.28 Title IV-E Approved Facility.** A facility licensed and/or approved by DFPS for participation in the Title IV-E Program.
- 2.29 Title IV-E Certified Child.** A child who has been determined by DFPS to have met all Title IV-E eligibility requirements, including placement in a Title IV-E approved facility.
- 2.30 Title IV-E Fiscal Coordinator.** An employee of the juvenile probation department designated to act as the primary liaison between the juvenile probation department and TJJD, private consultants, service providers, auditors and any federal or state agencies regarding the juvenile probation department’s Title IV-E reimbursements or other fiscal matters.



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- 2.31 Title IV-E Foster Care Rates.** The foster care payment rates approved by DFPS based on the child's level of care.
- 2.32 Title IV-E Program Coordinator.** An employee of the juvenile probation department designated to act as primary liaison between the juvenile probation department and TJJD, private consultants, service providers, auditors and any federal or state agencies regarding the juvenile probation department's Title IV-E programmatic matters.
- 2.33 TJJD Eligibility Specialist.** An individual employed and trained by DFPS to make eligibility determinations for juvenile justice children.

3. PERFORMANCE MEASURES.

- 3.1 Goal.** The goal of the Title IV-E Program is to increase services to children in foster care, reasonable candidates for foster care, and their families.
- 3.2 Program Objectives.** The objective of the Title IV-E Program is to strengthen foster care services and ensure that children's needs for safety, permanency and well-being are met.
- 3.3 Program Performance.** The juvenile probation department's performance must be determined by the results of reviews for compliance with program requirements.

4. PROGRAM REQUIREMENTS.

The juvenile probation department must maintain compliance with all requirements as outlined in the Title IV-E Federal Foster Care Reimbursement Program Requirements.

5. TRAINING.

The juvenile probation department must ensure that appropriate personnel participate in any Title IV-E training, designated as mandatory, provided by TJJD. Reimbursement may not be processed if appropriate staff have not participated in and completed all mandatory training.

- 5.1 Title IV-E Fiscal Coordinator Training.** The Title IV-E Fiscal Coordinator, or designee, must participate in any Title IV-E training, designated as mandatory, provided by TJJD.
- 5.2 Title IV-E Program Coordinator Training.** The Title IV-E Program Coordinator, or designee, must participate in any Title IV-E training, designated as mandatory, training provided by TJJD.
- 5.3 Reasonable Candidate Training.** All staff whose duties include completing case plans, case plan updates or addendums for reasonable candidates must receive training prior to completing these documents and as needed thereafter. This training must be provided by TJJD, the Title IV-E Fiscal or Program Coordinator (who must have received the most recent training from TJJD), a designee or consultant approved by TJJD. The training curriculum provided by a designee or consultant must be pre-approved by TJJD.



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- 5.4 Time Code Training.** All staff who will be participating in an approved time study methodology must receive time code training prior to participation in the time study and as needed thereafter. This training must be provided by TJJD, the Title IV-E Fiscal or Program Coordinator (who must have received the most recent training from TJJD), a designee or consultant approved by TJJD. The training curriculum provided by a designee or consultant must be pre-approved by TJJD.
- 5.5 Training Reimbursement (75%).** In order for a department to claim reimbursement for training at 75%, verification of attendance for each participant must be included with the claim. Training verification must include the name of the individual who attended the training and the topic of the training.

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PROGRAMMATIC COMPONENTS

6. ELIGIBILITY DETERMINATION.

Juvenile probation departments should develop and implement procedures to screen children placed in non-secure facilities to determine whether they meet the following required Title IV-E criteria: (1) the required judicial findings have been made; (2) the required AFDC criteria have been met; and (3) the child is placed in a Title IV-E approved facility.

In order for a juvenile probation department to receive Title IV-E reimbursement, a child must meet each of the Title IV-E Program eligibility requirements.

6.1 Judicial Determinations and Court Orders. A child's removal from the home must be the result of a judicial determination (pursuant to a court order, which may include a detention order, disposition order, modification or other named order) to the effect that continuation in the home would be contrary to the child's welfare, or that placement in foster care would be in the best interest of the child. A judicial determination must also be made that the juvenile probation department made reasonable efforts to maintain the family unit and prevent the removal of the child from his/her home. Finally, the court must establish that the juvenile probation department has responsibility for the care and placement of the child for the duration of the child's stay in foster care.

6.1.1 Required Judicial Finding – "Contrary to the Welfare/Best Interest."

When a child is removed from the home, the court must find that is contrary to the child's welfare to remain in and/or be returned to that home. The initial order removing the child from the home, must be issued no later than 6 months after the last day the child lived with a specified relative and must contain the following finding:

"The court finds that it is contrary to the child's welfare to continue to remain in the home of (name of the individual from whose home the child is being removed) and that it is in the best interest of the child to be placed outside his/her home for the reasons stated in Exhibit A incorporated herein."

The initial order of removal must include the name of the individual from whose home the child is being removed.

The order must be child specific, which may be documented by attaching Exhibit A (or other named attachment) and referencing the exhibit/attachment in the court order, by incorporating the information in Exhibit A into the body of the court order, or by providing other documentation that describes why it is in the best interest of the child to be removed from his/her home.

Exhibit A can be used as a standalone document if it is dated and signed by a judge.

6.1.2 Required Judicial Finding – "Reasonable Efforts."

In addition to the *contrary to the welfare/best interest* finding, the court must also make a finding that reasonable efforts were made to prevent the removal. This finding must be made within 60



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calendar days of the initial order removing the child from the home and the court order must contain the following judicial finding:

"The court finds that reasonable efforts have been made to prevent or eliminate the need for the child to be removed from his/her home and to make it possible for the child to return to his/her home as referenced in Exhibit B incorporated herein."

The order must be child specific, which may be documented by attaching Exhibit B (or other named attachment) and referencing the exhibit/attachment in the court order, by incorporating the information in Exhibit B into the body of the court order, or by providing other documentation that describes what efforts were made to prevent the removal and to make it possible for the child to return to his/her home.

Exhibit B can be used as a standalone document if it is dated and signed by a judge.

6.1.3 Required Judicial Finding – "Responsibility for Care and Placement."

The placing agency must have responsibility for the care and placement of the child for the duration of the child's stay in foster care. The disposition order related to the current placement must contain the following finding:

"It is further ordered that the (name of county in which the court's jurisdiction arises) County Juvenile Probation Department be responsible for the child's care and placement."

- 6.2 Aid to Families with Dependent Children (AFDC).** The child must be eligible for the former AFDC program in the home from which he/she was removed. The screening process determines whether the child would have been eligible for AFDC at the time of the removal. This can be determined by using the screening tools made available by TJJD (e.g., the Title IV-E Application Pre-Screen form, AFDC Income Determination Worksheet, and AFDC Needs Standard Income Limits chart).

The countable income of the certified group cannot exceed the AFDC income limits.

- 6.3 Placement in a Title IV-E Approved Facility.** The child must be placed in a facility that has been approved by DFPS for participation in the Title IV-E Program.

Title IV-E eligible facilities may include the following:

- a. Private non-secure residential facilities which are licensed and have executed a residential child care contract with DFPS;
- b. Private non-secure residential facilities which are licensed and have been approved for Title IV-E participation by DFPS; and
- c. Public non-secure residential child care institutions which
 - i. Are licensed and approved for Title IV-E participation by DFPS;



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- ii. Have a licensed capacity of not more than 25 children; and
- iii. Are not operated primarily for the detention of children.

7. FOSTER CARE ASSISTANCE APPLICATION.

If all Title IV-E criteria are met and the juvenile probation department wishes to pursue an eligibility determination for the child, a Title IV-E Foster Care Assistance Application must be submitted to TJJD.

- 7.1** The application must be submitted through the Title IV-E Program System (TPS) within 30 calendar days of the child's initial date of placement. Additional required documentation (e.g., copies of court orders, social security card and birth verification) must be forwarded to TJJD within 2 business days of submitting the application.
- 7.2** TJJD will review the application and relevant documentation for accuracy and compliance with program requirements and then forward the application packet to DFPS for an eligibility determination. Once the determination is made, DFPS will forward the eligibility determination notice to TJJD, who in turn will notify the juvenile probation department.
- 7.3** TJJD will deny eligibility for applications that lack the required judicial findings, or if the "reasonable efforts" finding is not made within 60 calendar days of the initial order of removal.
- 7.4** The juvenile probation department has the right to appeal an eligibility determination by submitting, in writing, the reason they believe the determination was incorrect and to provide additional documentation to support their appeal. The appeal will be reviewed and forwarded to DFPS for final resolution. Upon receipt, TJJD will forward DFPS' final determination to the juvenile probation department.
- 7.5** A child is not eligible for Title IV-E reimbursement until DFPS stipulates that all eligibility requirements have been met.

8. ELIGIBILITY RE-DETERMINATION.

Federal and State regulations require that a child's eligibility for Title IV-E be re-evaluated and a permanency hearing be held 12 months from the initial date of placement and every 12 months thereafter.

- 8.1** The juvenile probation department must develop and implement a process to recertify a child's Title IV-E eligibility that includes:
 - 8.1.1** The juvenile probation department must complete and submit the Foster Care Assistance Review (FCAR) form and Permanency Hearing Order to TJJD within 12 months of the initial date of placement and every 12 months thereafter. The Permanency Hearing Order must include following judicial determination:



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"The court finds the (name of county) County Juvenile Probation Department has made reasonable efforts subsequent to the removal of the child from the child's home to finalize the permanency plan."

8.1.2 Requirements for Another Planned Permanent Living Arrangement (APPLA). At each permanency hearing for any child whose permanency plan is APPLA, the juvenile probation department must:

8.1.2.1 Document Intensive, Ongoing, Unsuccessful Efforts for Family Placement. At each permanency hearing, the juvenile probation department must document the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child to his/her home or secure placement with a fit and willing relative, a legal guardian, or an adoptive parent through diligent efforts which may include, but are not limited to, the use of search technology, social media, etc. to find biological family members of the child.

8.1.2.2 Re-Determine the Necessity of Placement. The juvenile probation department must implement procedures to ensure that the court conducting the permanency hearings:

8.1.2.2.1 Asks the child about the desired permanency outcome; and

8.1.2.2.2 Makes a judicial determination explaining why, as of the date of the hearing, APPLA is the best permanency plan for the child and provide compelling reasons why it continues not to be in the best interest of the child to:

- a. Return home;
- b. Be placed for adoption;
- c. Be placed with a legal guardian; or
- d. Be placed with a fit and willing relative.

8.1.3 Demonstrate Support for Engaging in Age-Appropriate Activities and Social Events. At each permanency hearing, the juvenile probation department must document the steps taken to ensure that:

8.1.3.1 The foster family or child care institution is following the reasonable and prudent parent standard; and

8.1.3.2 The child has regular and ongoing opportunities to engage in age or developmentally appropriate activities, including consulting with the child, in an age-appropriate manner, about the child's opportunities to participate in the activities.



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- 8.2** TJJD will review the FCAR and Permanency Hearing Order for accuracy and compliance with program requirements then forward to DFPS for a determination of the child's continued eligibility for the Title IV-E Program. Upon receipt of the re-determination notice, TJJD will notify the juvenile probation department.
- 8.3** The juvenile probation department has the right to appeal an eligibility re-determination by submitting, in writing, the reason they believe the re-determination was incorrect and to provide additional documentation to support their appeal. The appeal will be reviewed and forwarded to DFPS for final resolution. Upon receipt, TJJD will forward DFPS' final re-determination to the juvenile probation department.
- 8.4** Title IV-E eligibility continues through the end of the 12th month after the child's initial date of placement. Failure to obtain re-determination of the eligibility will result in the child's ineligibility on the first day of the 13th month. The child will remain ineligible until a determination is made that the child continues to be eligible for the Title IV-E Program.
- 8.5** A child cannot be determined eligible for the Title IV-E Program until all eligibility requirements have been met.
- 8.6** The Child & Family Services Improvement and Innovation Act (Public Law 112-34) became effective October 1, 2011 and requires that each child in foster care, age 16 or older, receive copies of consumer credit reports annually until discharged from foster care. In addition to receiving the reports, if they exist, children must be assisted in interpreting the credit reports and resolving any inaccuracies. To meet these requirements, TJJD has entered into agreements with the 3 major credit reporting agencies in order to obtain annual credit reports. TJJD will request credit reports from each credit reporting agency for all youth upon receipt of the FCAR and Permanency Hearing Order from the juvenile probation department. TJJD will work with the credit bureau(s) to resolve any inaccuracies. Copies of the credit reports obtained (and any other supporting documentation) will be forwarded to the juvenile probation department who will maintain this documentation in the child's case file.

9. CHILD AND FAMILY CASE PLAN – TITLE IV-E RESIDENTIAL PLACEMENT.

A Child and Family Case Plan (case plan) must be developed for each child (using the Child and Family Case Plan form (TJJD-IVE-345), or other format approved by TJJD) who is certified for Title IV-E and for whom reimbursement is requested. The case plan must outline actions designed to ensure the safety and well-being of the child while in placement and document services offered to the family in order to improve conditions in the home to facilitate the safe return of the child to his/her home or other permanent living arrangement.

Case plans must be individualized and goals developed to mitigate factors that resulted in the child's removal from the home and may include goals in the following areas: medical/dental, educational, behavioral/emotional/mental health, substance abuse, services for successful transition to adulthood/preparation for adult living (PAL), if applicable, services provided to the parent/custodian,



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support services provided to the caregiver and services to facilitate contact between the child and family while the child is in placement.

- 9.1 Prior Services.** The case plan must contain a list or summary of services offered to the child and family to prevent removal from the home. These services may have been offered by the probation department, or any other public or private agencies. Occasionally the nature of the offense and/or circumstances in the home may necessitate the removal of the child without prior services. In such circumstances, the reason no services were made available prior to removal must be described in the case plan.
- 9.2 Notification of Removal.** The case plan must document the method by which the parent/custodian was notified that the child would be removed from the home and the date of notification. The notification must be prior to the date of the child's judicial removal.
- 9.3 Facility Information.** The case plan must document the name of the facility, its complete physical address and telephone number and the date the child was placed in the facility.
- 9.4 Living Arrangement.** The case plan must provide a description of the living arrangement in which the child was placed, including a description of the type of home or institution as well as a description of the child's physical living environment. The description should enable an individual to form a visual concept of the child's living arrangement.
- 9.5 Need for Placement – Child.** The case plan must document why it was necessary to remove the child from the home. The discussion must identify issues specific to the child that resulted in the child's removal from the home and subsequent placement in foster care. The case plan should discuss what services the child needs that cannot be provided in the home.
- 9.6 Need for Placement – Parent/Custodian.** The case plan must document why it was necessary to remove the child from the home. The discussion must address family circumstances and what familial issues may have contributed to the decision to remove the child from the home and place the child in foster care.
- 9.7 Appropriateness of Placement.** The case plan must document why the facility was selected for the child, what services will be provided and how these services will meet the child's specific needs. This description should be individualized and address the child's needs that were previously identified in the "need for placement-child" section of the case plan.
- 9.8 Safety of Child.** The case plan must document how the caregiver will ensure the safety and proper care of the child while in placement. The description should include a discussion of how facility staff or foster parents will ensure the child's safety and well-being while in their care (e.g. physical plant elements, staff training, staff supervision elements, etc.) and what processes or other safeguards have been implemented by the facility to ensure the safety of all children in their care.
- 9.9 Least Restrictive.** The case plan must document that the child was placed in the least restrictive (most family like) setting available, consistent with the best interest and special needs of the child.



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If the child was not placed in a foster family home (licensed for 6 or fewer children), an emergency shelter, or an assessment center, an explanation must be provided describing why the more restrictive setting was necessary to meet the needs of the child.

9.10 Close Proximity – Parent/Custodian. If the child is placed a substantial distance (outside the county of the parents’/custodians’ residence, or at a distance of more than 50 miles from the parents’/custodians’ home), the case plan must document the reason(s) why this is in the best interest of the child. Acceptable documentation must demonstrate that proximity was considered and that placement was due to the particular circumstances or special needs of the child. An explanation must be provided for all placements not in “close proximity” as defined above.

9.11 Out of State Placement. If the child has been placed in a facility outside Texas, the case plan must document (1) why this is in the best interest of the child, (2) what Texas facilities were considered or contacted and (3) why these facilities could not provide the services needed by the child.

9.11.1 If the child has been placed in a facility outside Texas, the case must be referred to the Interstate Compact on the Placement of Children (ICPC) and referral documents must be filed in the child’s case file.

9.12 Permanency Plan. A plan to promote the safe return of the child to his/her home (or some other permanent living arrangement) must be developed for the child. The permanency plan must be appropriate and in the best interest of the child and must include the date the child is expected to be returned to a permanent living arrangement.

9.12.1 If the permanency plan for the child is “Emancipation/Independent Living” the case plan must contain an explanation regarding why this is in the best interest of the child.

9.12.2 If the permanency plan for the child is “Another Planned Permanent Living Arrangement” (APPLA) the case plan must contain an explanation regarding why this is in the best interest of the child. APPLA may only be the selected permanency plan if the child is at least 16 years of age.

9.12.2.1 If APPLA is the selected permanency plan, the juvenile probation department must simultaneously pursue and document efforts made to return the child to their home, or to secure placement with a fit and willing relative, a legal guardian or an adoptive parent. Diligent efforts may include, but are not limited to, family inquiry network search databases, technology and social media, which may be used to locate biological family members of the child.

9.13 Medical and Dental Information. The case plan must document the child’s most recent medical and dental care providers, prior to the child’s placement and must include their names, complete addresses and telephone numbers. Any medication(s) the child is currently taking must be documented in the case plan. If medications are listed, the case plan must specify for what conditions they are being administered. If applicable, any other important medical/dental



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information or concerns must be documented (e.g. allergies, chronic conditions, etc.). The date the medical and dental records were provided to the caregiver must also be documented.

- 9.14 Education Information.** The case plan must document the child's most recent educational provider, prior to the child's placement and must include the name, complete address and telephone number of the provider. The case plan must also document the child's grade level performance (if available) and the child's grade level placement. The date the educational records were provided to the caregiver must also be documented.
- 9.15 Close Proximity – Former School.** Assurances must be given that the child's placement into foster care takes into account the proximity of the school in which the child was enrolled prior to placement. If the child cannot attend the same school, or remain in the same school district, the case plan must document why attending the same school is either not in the child's best interest or does not meet the special needs of the child.
- 9.16 Independent Living Skills/Preparation for Adult Living (PAL).** The case plan for any child who is 14 years of age or older (or who will become 14 before the next case plan update is due) must provide a description of services to prepare the youth for successful adulthood upon leaving foster care, which includes training in independent living skills or PAL services. The skills may be taught through practical, experiential activities such as meal preparation, use of public transportation, money management, basic household tasks, etc. PAL services for youth who are 16 years of age or older may include additional topics such as those included in the DFPS Preparation for Adult Living (PAL) Independent Study Guide: Financial Management, Health and Safety, Housing and Transportation, Job Readiness, Life Decisions and Responsibilities, and Personal and Social Relationships.
- 9.17 Services for Parent/Custodian.** The case plan must describe services offered or provided to the parent/custodian (or other individual to whom the child will return) while the child is in placement, to alleviate or mitigate the family issues that contributed to the need to remove the child from the home. If the permanency plan for the child is to return to an individual other than from whom he/she was removed, these services should be designed to assist that individual assume the care and responsibility for the child and to provide a safe home upon discharge from placement.
- 9.18 Support Services for Caregiver.** The case plan must describe services, offered or provided by the juvenile probation department, to assist the caregiver in the care and rehabilitation of the child and to facilitate the child's return to his/her home. Specific services must be identified and must include services in addition to monthly or regular contact by the probation department with the caregiver.
- 9.19 Transition/Community Resources.** The case plan must describe services to be offered or provided to the child, parent/custodian or other family members to assist in the child's transition back into his/her home and community upon discharge from placement. These services/resources should be located in the community to which the child will be discharged and provided when the child returns home to support the child with on-going treatment needs, social adjustment, employment (if appropriate) and achieving educational success.



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- 9.20 Contact Between Child and Family.** The family should be encouraged to maintain contact with their child while in placement. The case plan must document the projected plan of contact between the child and family, to include both the method and frequency of contact. If appropriate, and in the best interest of the child, contact with sibling(s) should also be supported.
- 9.21 Participation in Development and Distribution of the Case Plan.** The child, family, and caregiver must be given the opportunity to participate in the development of the child's case plan, prior to its completion, and be provided copies. The case plan must document the date the parties provided input (or were offered the opportunity to provide input) into developing the case plan and the date they were provided a copy of the completed case plan. The case plan is considered "completed" on the date the juvenile probation officer signs and dates the case plan.
- 9.21.1 Additional Members of the Case Planning Team.** If the child for whom the case plan is being developed is 14 years of age or older, the child may choose up to 2 additional individuals to be included in the case planning team. The individuals chosen may not be a foster parent of, or caseworker for the child. An individual selected by the child may be rejected by the juvenile probation department at any time if the department has good cause to believe that the selected individual would not act in the best interest of the child. If the individuals selected are contrary to the child's best interest, the reason(s) must be documented. The case plan must document the name and relationship to the child of any additional individual(s) selected to participate in the case planning process. If no additional individuals were selected by the child, the case plan must document that the child did not wish to include any additional individuals in the case planning team. One of the individuals selected by the child to be a member of the child's case planning team, may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard.
- 9.22 Date of Child and Family Case Plan.** The case plan must be completed within 30 calendar days of the child's initial date of placement. The date of completion will be determined by the date the juvenile probation officer signs and dates the plan signifying it is complete.
- 9.23 Signatures.** The case plan must be signed by all parties. If any party does not, or refuses to sign the case plan, an explanation must be provided.
- 9.23.1** The case plan must include the "Rights of the Parent(s) or Custodian(s) of a Youth in Foster Care" and must be signed by the parent/custodian and a copy provided to the parent/custodian.
- 9.23.2** The case plan must include the "Foster Care Bill of Rights" and must be signed by the child and a copy provided to the child.



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10. CHILD AND FAMILY CASE PLAN UPDATE AND PERIODIC REVIEW.

The status of every child placed in foster care must be reviewed periodically, but no less frequently than once every 6 months by either a court or by an administrative review in order to determine the safety of the child, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care and to project a likely date by which the child may be returned to and safely maintained in the home or other permanent living arrangement.

The child's case plan must be updated using the Child and Family Case Plan Update form (TJJD-IVE-350, or other format approved by TJJD). Case plan updates must be individualized and goals developed to mitigate factors that resulted in the child's removal from the home and may include goals in the following areas: medical/dental, educational, behavioral/emotional/mental health, substance abuse, services for successful transition to adulthood/preparation for adult living (PAL), if applicable, services provided to the parent/custodian, support services provided to the caregiver and services to facilitate contact between the child and family while the child is in placement.

10.1 Facility Information. The case plan update must document the name of the facility where the child is residing at the time of the review and include its complete physical address, telephone number and the date the child was placed in the listed facility.

10.2 Continued Need for Placement – Child. The case plan update must describe why the child must remain in placement at the time of the review, which could include, but is not limited to, a description of the child's behaviors, lack of progress in the program, requirements that need to be met or goals that need to be achieved prior to returning home (such as completing the treatment program or finishing the school year), etc. The discussion should clearly demonstrate why the child requires continued placement.

10.3 Continued Need for Placement – Parent/Custodian. The case plan update must describe the current familial circumstances and, if applicable, how those circumstances necessitate the child's continued need for placement.

10.4 Appropriateness of Placement. The case plan update must document why the selected facility continues to be the most appropriate setting for the child and what specific services are currently being provided to meet the child's specific needs. This description should be individualized and address the child's needs that were previously identified in the "continued need for placement-child" section.

10.5 Safety of Child. The case plan update must document how the caregiver continues to ensure the safety and proper care of the child while in placement. The description should include a discussion of how facility staff or foster parents will ensure the child's safety and well-being while in their care (e.g. physical plant elements, staff training, staff supervision elements, etc.) and what processes or other safeguards have been implemented by the facility to ensure the safety of all children in their care.



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- 10.6 Out of State Placement.** If the child is placed in a facility outside the state of Texas, the case plan update must document why such placement continues to be necessary and continues to be in the child's best interest.
- 10.7 Permanency Plan.** The child's permanency plan must be up updated to reflect the current plan to promote the safe return of the child to his/her home (or some other permanent living arrangement) upon his/her release from placement. The permanency plan must be appropriate and in the best interest of the child and must include the date that the child is expected to be returned to a permanent living arrangement.
- 10.7.1** If the permanency plan for the child is "Emancipation/Independent Living" the case plan update must contain an explanation regarding why this continues to be in the best interest of the child.
- 10.7.2** If the permanency plan for the child is "Another Planned Permanent Living Arrangement" (APPLA) the case plan update must contain an explanation regarding why this continues to be in the best interest of the child. APPLA may only be the selected permanency plan if the child is at least 16 years of age.
- 10.7.2.1** If APPLA is the selected permanency plan, at each permanency hearing, the juvenile probation department must document the intensive ongoing efforts made to return the child to his/her home, or to secure placement with a fit and willing relative, a legal guardian or an adoptive parent. Diligent efforts may include, but are not limited to, family inquiry network search databases, technology and social media which may be used to locate biological family members of the child.
- 10.8 Termination of Parental Rights (TPR).** If the child has been in foster care for 15 of the last 22 months, TPR must be addressed. If TPR is not applicable because the child has not been in foster care for the required time period (i.e. when conducting the 6-month administrative review and the 12-month permanency hearing), this would be documented by marking this requirement as "N/A", however TPR must be addressed in the 18-month review and with each subsequent review. Plans to file for TPR must be documented in the case plan update, or if there are no plans to file for TPR, a compelling reason why this is not in the child's best interest must be documented.
- 10.9 Medical and Dental Information.** The child's medical and dental information must be updated to reflect the child's current medical and dental care providers while the child is in placement and must include their names, complete addresses and telephone numbers. Any medication(s) the child is currently taking must be documented in the case plan update. If medication(s) are listed, the case plan update must specify for what conditions they are being administered. If applicable, any other important medical/dental information or concerns must be documented (i.e. allergies, chronic conditions, etc.).
- 10.10 Education Information.** The child's educational information must be updated to reflect the child's current educational services provider. The case plan update must include the name,



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- complete address and telephone number of the entity currently providing the child's educational services. The case plan update must also document the child's current grade level placement.
- 10.11 Independent Living Skills/Preparation for Adult Living (PAL).** The case plan update for any child who is 14 years of age or older (or who will become 14 before the next case plan update is due) must provide a description of services to prepare the youth for successful adulthood upon leaving foster care, which includes training in independent living skills or PAL services. The skills may be taught through practical, experiential activities such as meal preparation, use of public transportation, money management, basic household tasks, etc. PAL services for youth who are 16 years of age or older may include additional topics such as those included in the DFPS Preparation for Adult Living (PAL) Independent Study Guide: Financial Management, Health and Safety, Housing and Transportation, Job Readiness, Life Decisions and Responsibilities, and Personal and Social Relationships.
- 10.12 Services for Parent/Custodian.** The case plan update must provide current information regarding services offered or provided to the parent/custodian (or other individual to whom the child will return) while the child is in placement, to alleviate or mitigate the family issues that initially contributed to the need to remove the child from the home. If the permanency plan is for the child to return to an individual other than from whom he/she was removed, these services should be designed to assist that individual assume the care and responsibility for the child and to provide a safe home upon discharge from placement.
- 10.13 Support Services for Caregiver.** The case plan update must provide current information regarding services, offered or provided by the juvenile probation department, to assist the caregiver in the care and rehabilitation of the child and to facilitate the child's return to his/her home. Specific services must be identified and must include services in addition to monthly or regular contacts by the juvenile probation department with the caregiver.
- 10.14 Transition/Community Resources.** The case plan update must provide current information regarding services to be offered or provided to the child, parent/custodian or other family members to assist in the child's transition back into his/her home and community upon discharge from placement. These services/resources should be located in the community to which the child will be discharged and provided when the child returns home to support the child with on-going treatment needs, social adjustment, employment (if appropriate) and achieving educational success.
- 10.15 Contact Between Child and Family.** The family should be encouraged to maintain contact with their child while in placement. The case plan update must document whether the family complied with the plan of contact established in the initial case plan or previous case plan update, and if not, provide an explanation. The current plan of contact, including the method and frequency, must also be documented. If appropriate and in the best interest of the child, contact with sibling(s) should also be supported.
- 10.16 Participation in Development and Distribution of Case Plan Update.** The child, family, and caregiver must be given the opportunity to participate in the development of the case plan



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- update, prior to its completion, and be provided copies. The case plan update must document the date the parties provided input (or were offered the opportunity to provide input) into developing the case plan update and the date they were provided a copy of the completed case plan update. The case plan update is considered “completed” on the date the juvenile probation officer signs and dates the case plan update.
- 10.16.1 Additional Members of the Case Planning Team.** If the child for whom the case plan update is being developed is 14 years of age or older, the child may choose up to 2 additional individuals to be included in the case planning team. The individuals chosen may not be a foster parent of, or caseworker for the child. An individual selected by the child may be rejected by the juvenile probation department at any time if the department has good cause to believe the selected individual would not act in the best interest of the child. If the individuals selected are contrary to the child’s best interest, the reason(s) must be documented. The case plan update must document the name and relationship to the child of any additional individual(s) selected to participate in the case planning process. If no individual(s) were selected by the child, the case plan update must document that the child did not wish to include any additional individual(s) in the case planning team. One of the individuals selected by the child to be a member of the child’s case planning team, may be designated to be the child’s advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard.
- 10.17 Family and Caregiver Invited to Attend Periodic Review.** The case plan update must document that the parent/custodian and caregiver were provided with adequate notice of their right to be heard and participate in any proceeding to be held with respect to the child. The method and date of notification and whether they participated in the review must be documented.
- 10.18 Compliance – Child.** The case plan update must document the child’s extent of compliance in completing the action steps or tasks identified in the previous case plan or case plan update. The discussion must document specific action(s) or failure to act in following through with tasks to be completed in order to accomplish the identified goals. Statements such as, “...the child has complied” or “...the child is in compliance” are insufficient to meet this requirement.
- 10.19 Compliance – Parent.** The case plan update must document the family’s extent of compliance in completing the action steps or tasks identified in the previous case plan or case plan update. The discussion must document specific action(s) or failure to act in following through with tasks to be completed in order to accomplish the identified goals. Statements such as, “...the parent has complied” or “...the parent is in compliance” are insufficient to meet this requirement.
- 10.20 Progress – Child.** The case plan update must document the extent of progress the child has made toward alleviating or mitigating the causes necessitating the child’s placement in foster care. Statements such as, “...the child has made progress” or “...the child is not making progress” are insufficient to meet this requirement.
- 10.21 Progress – Parent.** The case plan update must document the extent of progress the family has made toward alleviating or mitigating the causes necessitating the child’s placement in foster



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care. Statements such as, "...the parent has made progress" or "...the parent is not making progress" are insufficient to meet this requirement.

- 10.22 Review Conducted by Facilitator.** Administrative periodic reviews must be facilitated by an individual who is not responsible for the case management of, or the delivery of services to either the child or family who are the subject of the review. The role of the facilitator is to ensure the best interest of the child and family are preserved during the review. The name of the facilitator and his/her place of employment and title must be documented in the case plan update. If the review being conducted is a judicial proceeding (e.g. permanency hearing or judicial administrative review), this may be marked "NA" since the presiding judge functions as the "facilitator."
- 10.23 Date of Child and Family Case Plan Update.** The child and family case plan must be updated 6 months from the initial date of placement and every 6 months thereafter. The date of completion will be determined by the date the juvenile probation officer signs and dates the update signifying it is complete.
- 10.24 Signatures.** The case plan must be signed by all parties. If any party does not, or refuses to sign the case plan update, an explanation must be provided.

11. CASE MANAGEMENT REQUIREMENTS.

- 11.1 Monthly Contact.** The juvenile probation department must maintain contact, at least monthly, with the child, parent/custodian and caregiver to monitor progress toward permanency and to ensure that appropriate services are being provided. The contacts may be via telephone, in person or other electronic means and must be documented in the child's case file. Case file documentation should clearly indicate with whom contact was made and provide a brief description of what transpired. All attempted contacts, and reasonable attempts to follow-up, must also be documented. At least 3 attempts must be made (throughout the month) and documented for the month to be counted as a contact. A minimum of 90% of the required contacts must be made to meet this program requirement.
- 11.1.1 Monthly Caseworker Visits.** The Child & Family Services Improvement Act of 2006 (Public Law 109.288) enacted on September 28, 2006 mandates that in order to continue to receive federal funds, all children placed in foster care must be visited (face-to-face) by their caseworker on a monthly basis and that these visits are to be well-planned and focus on issues pertinent to case management and service delivery to ensure the safety, permanency and well-being of the children with at least 51% of these visits occurring within the residence where the child is placed. All states must demonstrate that at least 90% of children placed in foster care have received these monthly face-to-face caseworker visits. This requirement is applicable to all children, including those placed in out of state facilities. Caseworker contact with the child via telephone, teleconferencing, videoconferencing or other similar forms of technology will not satisfy this requirement. These contacts must be made by the juvenile probation department and clearly documented in the child's case file.



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11.2 Placement Information/Discharge Form (PID). The juvenile probation department must notify TJJD, using the PID form (TJJD-IVE-355) of any changes in the child's placement or status, to include changes in level of care or daily rate, changes in Title IV-E status (e.g., discharge from the program, inactive status, move to another facility, etc.) or any other change that would affect the child's Title IV-E eligibility. TJJD must receive the PID within 5 calendar days of the change being reported.

11.2.1 If the change being reported is the child's move to another Title IV-E facility, the following information regarding the new facility must be documented in the PID:

- a. Description of the new living arrangement;
- b. The child's safety;
- c. "Least restrictive";
- d. "Close proximity" to school;
- e. "Close proximity" to parent/custodian;
- f. Appropriateness of the placement;
- g. Date and method by which the parent/custodian was notified of the move;
- h. Date and method by which the parent/custodian was notified of any changes in visitation;
- i. Date the caregiver was provided with an updated case plan; and
- j. Date the caregiver was provided updated medical, dental and educational records.

11.2.2 If the change being reported is the child's return from runaway status, the PID must document whether the child was a victim of sex trafficking while on runaway status, or is at risk of being a victim of sex trafficking.

11.2.3 If the change being reported is placing the child on inactive status, making the child temporarily ineligible for reimbursement, periodic reviews must continue to be completed every 6 months. Failure to complete the required periodic reviews may result in the child no longer being eligible for Title IV-E and the case being closed.

11.3 Periodic Case Review Monthly Summary Report (PCRMS). The juvenile probation department must ensure that the status of each Title IV-E certified child is reviewed 6 months from the date of placement and every 6 months thereafter. The reviews may be either an administrative or judicial review. All reviews must be reported via the Periodic Case Review Monthly Summary Report (TJJD-IVE-360) and be submitted by the 10th of the month following the month in which the review was conducted. The report must include the following information:

- a. The child's identifying information (name and DFPS ID#);
- b. The date the review was completed;
- c. The current permanency plan and projected date of permanency; and
- d. Whether the child was determined to be a victim of sex trafficking or was at risk of being a victim of sex trafficking.



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- 11.4 Contracted Components of Care.** The interagency agreement with the DFPS requires that all residential child care contracts for Title IV-E children include the “Contracted Components of Care” pursuant to the current DFPS Residential Child Care Contract. The required information is captured in TJJD “Contracted Components of Care” (TJJD-IVE-400) and must be incorporated into Title IV-E residential child care contracts in its entirety or as an attachment referenced in the contract.
- 11.5 Annual Credit Checks.** The Child & Family Services Improvement and Innovation Act (Public Law 112-34) enacted September 30, 2011 requires that each youth in foster care, aged 16 or older, receive a copy of all consumer credit reports each year until discharged from foster care, including youth in extended foster care. In addition to receiving the report, if one exists, youth must be assisted in interpreting the credit report and resolving any discrepancies.
- 11.5.1** TJJD has entered into agreements with Experian, Equifax and TransUnion credit reporting agencies and will conduct credit history searches for all youth in conjunction with annual permanency hearings. Copies of credit history search results will be forwarded to the juvenile probation department to review with the youth. If the credit history report contains credit activity, TJJD designated staff will contact the reporting credit bureau and begin restoration activities to ensure that all discrepancies identified in the consumer credit report are resolved in a timely manner. Updated information will be provided to the juvenile probation department to review with the youth. All credit history documentation provided by TJJD must be maintained in the youth’s case file.
- 11.6 Sex Trafficking.** The Preventing Sex Trafficking and Strengthening Families Act, H.R. 4980 (P.L.113-183) was enacted on September 29, 2014. H.R. 4980 requires states that receive federal funding to develop and implement policies and procedures to identify and provide services to children who are victims of sex trafficking or who are at risk of being victims of sex trafficking. States are also required to collect and report data regarding these children.
- 11.6.1 Identifying and Documenting Victims and Children at Risk of Trafficking.** The juvenile probation department must implement procedures to screen children for sexual victimization and trafficking using a methodology provided by TJJD, psychological evaluations or other available screening protocols approved by TJJD. Whether the child is or is not determined to be at risk of sex trafficking must be documented and reported via the Title IV-E Foster Care Assistance Application.
- 11.6.2 Providing Services to Victims and Children at Risk of Trafficking.** If it is determined that the child has been trafficked, or is at risk of being trafficked, the juvenile probation department must recommend appropriate services which may include, but are not limited to, Trauma-Focused Cognitive Behavioral Therapy, and document the recommendation.
- 11.6.3 Reporting Instances of Trafficking.** The juvenile probation department must report immediately, and in no case later than 24 hours after receiving information on children who have been identified as being a victim of sex trafficking, to law enforcement authorities for entry into the National Crime Information Center (NCIC) database. The



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juvenile probation department must also report the same information to the National Center for Missing and Exploited Children (NCMEC).

11.7 Locating and Responding to Children Who Run Away from Foster Care. The juvenile probation department must implement protocols for:

- a. Expeditiously locating any child missing from foster care;
- b. Determining the primary factors that contributed to the child's running away or otherwise being absent from care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements;
- c. Determining the child's experiences while absent from care, including screening the child to determine if the child is a possible sex trafficking victim; and
- d. Reporting immediately to law enforcement authorities as required in sub section 11.6.3.

11.8 Supporting Normalcy for Children in Foster Care. The juvenile probation department must ensure that contracted facilities implement a "reasonable and prudent parent standard" (RPPS) allowing foster parents/caregivers to make sensible day-to-day decisions for children in their care regarding participation in extracurricular, enrichment, cultural and social activities accepted as suitable for children of the same chronological age or level of maturity that are determined to be developmentally appropriate. These activities should encourage the emotional and developmental growth of children, while simultaneously maintaining their health, safety and well-being and may include, but are not limited to sports, field trips, overnight activities lasting one or more days, etc. and the decisions made regarding signing permission slips and arranging transportation to and from these activities.

11.8.1 The juvenile probation department must ensure that any residential child care contract requires the on-site presence of at least one official who, with respect to any child placed in the facility, is designated as the individual who is authorized to apply the RPPS, to decisions involving the participation of the child in age or developmentally appropriate activities, and who is provided with training in how to use and apply the RPPS.

11.9 Ensuring Children Leaving Foster Care are Provided Required Documents. To better equip former foster youth for success as adults, the juvenile probation department must ensure that youth aged 18 or older, and who have spent 6 months or more in foster care, are provided the following documents when they are released from placement:

- a. Birth certificate (official or certified copy);
- b. Social Security card;
- c. Health insurance information;
- d. Medical records; and
- e. Driver's license or state ID card



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11.10 Adoption Assistance Payments. Adoption assistance is available on behalf of a child if he/she meets all of the eligibility criteria and DFPS enters into an adoption assistance agreement with the prospective adoptive parent(s) prior to the finalization of the adoption. Once an adoption assistance agreement is signed and in effect, it can be terminated only under 3 circumstances: (1) the child has attained the age of 18; (2) the state determines that the adoptive parent(s) are no longer legally responsible for the support of the child; or (3) the state determines that the adoptive parent(s) are no longer providing any support to the child.

11.10.1 If it is determined that the parent(s) are receiving adoption assistance payments, DFPS will notify TJJD with the eligibility determination notice who in turn will forward this information to the juvenile probation department. DFPS will also notify the parent(s) that in order for payments to continue, monthly confirmation that the parent(s) continue to "support" the child must be provided to DFPS. The adoption assistance payment will not be released by DFPS until this confirmation is provided. "Support", includes various forms of financial support including, but not limited to, payments for family therapy, tuition, clothing, maintenance of special equipment in the home, services for the child's special needs, an allowance, etc. Adoption assistance payments may continue if it is determined that the parent is, in fact, providing some form of financial support to the child. If the juvenile probation department is notified that adoption assistance payments are being made on behalf of a Title IV-E certified child, the department must confirm whether the parent(s) provided any support for the child each month, as early in the month as possible, to enable DFPS to release the current month's payment.

11.11 Title IV-E Program (TPS) System Authorized User Access. The juvenile probation department must ensure that individuals who are authorized to access TPS have a continuing business need to do so. Employee access for individuals who are no longer employed by the juvenile probation department, or whose job duties no longer require TPS usage, must be terminated.

12. REASONABLE CANDIDATES.

Reasonable candidates are children on court-ordered probation or court-ordered deferred prosecution determined to be at imminent risk of removal from the home and placement into foster care, absent preventative, pre-placement intervention services. The juvenile probation department must document reasonable candidate determinations in the approved case plan, case plan update or addendum documents. The juvenile probation department must ensure that field supervision case plans, case plan updates and addendums meet the requirements listed below.

12.1 Reasonable Candidate (RC) Field Supervision Case Plan.

12.1.1 The case plan must document reasonable candidate determinations using the *Child and Family Case Plan-Field Supervision* form (TJJD-IVE-155) or other format approved by TJJD.

12.1.2 The case plan must be completed within 30 calendar days of:

12.1.2.1 The date of initial disposition, or



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12.1.2.2 The official start date of an inter-county transfer, as described in Texas Family Code §51.072 (f-1), or

12.1.2.3 The date of release from residential placement.

The date of completion will be determined by the date of the juvenile probation officer's signature.

- 12.1.3** The case plan must document that a risk assessment or evaluation instrument, approved by TJJD, was used in determining the child's candidacy status. The risk assessment must be completed prior to completing the case plan and must be current, i.e., be completed within 30 days prior to completion of the case plan. The risk assessment or evaluation instrument must be dated and documented on the case plan as one of the sources used to support the child's candidacy status.
- 12.1.4** The case plan must document at least one other source, in addition to the approved risk assessment or evaluation, that was used to support the reasonable candidate determination. Social history reports, pre-adjudication reports, chronological notes and other case file documentation may be used. These additional sources must be current (within 6 months of the candidacy determination). Psychological and psychiatric evaluations may also be used if they were completed within the past 12 months.
- 12.1.5** The case plan must clearly document that the child is, or is not, currently at imminent risk of removal from the home and placement into foster care, absent preventative, pre-placement intervention services.
- 12.1.6** The case plan must document the date the determination of candidacy was made.
- 12.1.7** The case plan must describe the specific circumstances which place the child at imminent risk of removal from the home and placement into foster care absent preventative, pre-placement intervention services. The circumstances cannot be based solely on the child's behavior(s), but must include parental behavior(s) or action(s), or lack of action(s) that placed the child at risk of harm.
- 12.1.8** The case plan must identify needs of the child and family and contain goals and interventions to address those needs. The case plan must document that services were provided or offered to the family to address the risk factors that placed the child at imminent risk of removal and placement into foster care.
- 12.1.9** The case plan must document that the plan was developed with input from the child and parent/custodian.



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- 12.1.10** The case plan must document the juvenile probation officer's plan of contact which must include, at a minimum, monthly contact with both the child and parent/custodian.
 - 12.1.11** The case plan must be signed and dated by the child, parent/custodian, juvenile probation officer and supervisor. If any party refuses to sign, or is unable to sign the case plan, the reason must be documented.
 - 12.1.12** The case plan must document that the child and parent/custodian were provided a copy of the case plan. If the parent/custodian refuses to sign the case plan, they must still be provided a copy.
- 12.2 Reasonable Candidate (RC) Field Supervision Case Plan Update.**
- 12.2.1** The case plan update must document and update reasonable candidate determinations using the *Child and Family Case Plan Update-Field Supervision* form (TJJD-IVE-160) or other format approved by TJJD.
 - 12.2.2** The case plan must be updated 6 months from the date of disposition and every 6 months thereafter, or when circumstances in the home change. The date of completion will be determined by the date of the juvenile probation officer's signature.
 - 12.2.3** The case plan update must document that a risk assessment or evaluation instrument, approved by TJJD, was used in updating the child's candidacy status. The risk assessment must be completed prior to completing the case plan update and must be current, i.e. be completed within 30 days prior to completion of the case plan update. The risk assessment or evaluation instrument must be dated and documented on the case plan update as one of the sources used to support the child's candidacy status.
 - 12.2.4** The case plan update must document at least one other source, in addition to the approved risk assessment or evaluation, that was used to support the reasonable candidate determination. Social history reports, pre-adjudication reports, chronological notes and other case file documentation may be used. These additional sources must be current (within 6 months of the candidacy determination). Psychological and psychiatric evaluations may also be used if they were completed within the past 12 months.
 - 12.2.5** The case plan update must clearly document that the child is, or is not, currently at imminent risk of removal from the home and placement into foster care, absent preventative, pre-placement intervention services
 - 12.2.6** The case plan update must document the date the determination of candidacy was made.
 - 12.2.7** The case plan update must describe the circumstances that currently place the child at imminent risk of removal from the home and placement into foster care absent



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preventative, pre-placement intervention services. The circumstances cannot be based solely on the child's behavior(s), but must include parental behavior(s) or action(s), or lack of action(s) that placed the child at risk of harm.

- 12.2.8** The case plan update must contain a review of the goals and interventions identified in the previous case plan or case plan update that address the risk factors that placed the child at imminent risk of removal and placement into foster care. The case plan update must also describe the extent of progress made by the child and parent/custodian in achieving the goals identified in the previous case plan or case plan update.
- 12.2.9** The case plan update must document newly identified needs, goals and interventions for the child and family as appropriate.
- 12.2.10** The case plan update must document that the plan was developed with input from the child and parent/custodian.
- 12.2.11** The case plan update must review and update the juvenile probation officer's plan of contact which must include, at a minimum, monthly contact with both the child and parent/custodian.
- 12.2.12** The case plan must be signed and dated by the child, parent/custodian, juvenile probation officer and supervisor. If any party refuses to sign, or is unable to sign the case plan update, the reason must be documented
- 12.2.13** The case plan update must document that the child and parent/custodian were provided a copy of the case plan. If the parent/custodian refuses to sign the case plan, they must still be provided a copy.

13. PROGRAMMATIC REPORTING.

13.1 Annual Reports. None

13.2 Quarterly Reports. None

13.3 Monthly Reports.

- 13.3.1 Periodic Case Review Monthly Summary Report.** The juvenile probation department must submit the *Periodic Case Review Monthly Summary Report* (PCRMS) form (TJJD-IVE-360) to TJJD no later than the 10th calendar day of the month for all administrative reviews conducted during the previous month.

13.4 Other Periodic Reports.

- 13.4.1 Placement Information Discharge Form.** The juvenile probation department must submit the *Placement Information Discharge Form* (PID) (TJJD-IVE-355) to TJJD when



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any change occurs regarding a Title IV-E certified child's eligibility status, level of care, daily rate or location within five calendar days of the change.

13.4.2 Foster Care Assistance Review. The juvenile probation department must submit the *Foster Care Assistance Review* (FCAR) (TJJD-IVE-365) and related Permanency Hearing Order for any Title IV-E certified child twelve months from the initial date of placement/eligibility and every twelve months thereafter. The FCAR and Permanency Hearing Order must be submitted to TJJD by the 20th of the month in which it is due. If the child is discharged during the 12th month, a permanency hearing (and FCAR) is not required.

14. PROGRAM MONITORING (REVIEWS).

14.1 On-Site Program Reviews. The juvenile probation department is subject to on-site programmatic monitoring scheduled at the discretion of TJJD. Scheduled on-site visits are announced and confirmed in writing at least 15 calendar days in advance of the visit whenever possible. Scheduled on-site visits will be conducted during the juvenile probation department's regular operating hours. The visit may include a review of policies, procedures, and records; interviews with staff, juveniles, and other personnel. The length of the visit will vary and will depend on the number of cases to be reviewed and the number of TJJD staff available to conduct the review. Each visit will conclude with an exit conference with appropriate staff and the presentation of findings in the Performance Rating Profile Report.

14.2 Unannounced On-Site Program Reviews. TJJD may conduct unannounced on-site visits in addition to its scheduled on-site visits. Unannounced on-site visits may be made without any advance notification and may occur at any time. Unannounced on-site visits may be conducted at random or for cause. TJJD may determine cause exists by assessing alleged non-compliance with program requirements, as a means to monitor program improvement plans (PIPs), or due to a request for intervention from other federal, state or local government entities or the public. The length and scope of an unannounced on-site visit will be dependent on the circumstances that led to the visit.

14.3 Desk Reviews. TJJD may monitor compliance with program requirements via a desk review, which includes a review of select records and program documentation. The juvenile probation department must make available to TJJD any written policies and procedures, juvenile and staff records, juvenile board documentation, and other applicable documents. The review of written documentation and materials may be supplemented by phone interviews with select staff and/or juveniles. Findings will be presented in a Performance Rating Profile Report. The juvenile probation department must ensure its agents will comply with all requests for information during the course of a desk review by TJJD or its authorized designee.



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15. REIMBURSABLE COSTS.

The juvenile probation department may request reimbursement for services that include foster care maintenance expenses, training expenses that are directly related to allowable Title IV-E activities and for administrative and other expenses necessary for the administration of the Title IV-E Program. The juvenile probation department must ensure that any flat fees charged for reimbursement under the Title IV-E Program are reasonable and based upon a cost or price analysis documented in the juvenile probation department's procurement files in accordance with 45 CFR Section 74.46. The juvenile probation department will be reimbursed only for allowable costs. Reimbursements are not to exceed the rates published by the Comptroller of Public Accounts.

16. NON-REIMBURSABLE COSTS.

The juvenile probation department may not request reimbursement if the basis of the claim has funding from any other federal source. In addition, the juvenile probation department must not request reimbursement for the following unallowable costs:

- a. Any unallowable costs in 2 CFR Section 225;
- b. Any unallowable costs in 45 CFR Section 1356.60;
- c. Any unallowable costs in Title 40 TAC Chapter 732;
- d. Social Service Costs;
- e. Medical expenses, including physical and mental examinations;
- f. Medications;
- g. Counseling;
- h. Testing/evaluation, including substance abuse testing;
- i. Homemaker or housekeeping services;
- j. Education expenses;
- k. Electronic monitoring costs;
- l. Detention costs or any associated costs
- m. Cost of secure placement or any associated costs;
- n. Contingency fees; and
- o. Recreational expenses.

17. FOSTER CARE (MAINTENANCE) REIMBURSEMENT.

The juvenile probation department may not be reimbursed for foster care maintenance costs until an eligibility determination notice has been received from DFPS, via TJJD, indicating that the child is certified for Title IV-E.



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17.1 Request for Reimbursement. The juvenile probation department must submit claims for reimbursement on a monthly basis and in a format specified by TJJD.

17.1.1 Requests for reimbursement must be submitted no later than the 10th calendar day of each month following the month of service. Requests received after this date may not be processed until the following month.

17.1.2 The request for reimbursement must be accurate and reflect the correct number of service days and the amount of reimbursement claimed must be based on the amount paid for the service period and the appropriate level of care associated with that amount.

18. SUPPLEMENTAL FOSTER CARE MAINTENANCE.

The juvenile probation department must submit requests to claim supplemental foster care maintenance (formerly known as Supplemental Child Care Costs) within 1 quarter of the end of each federal fiscal quarter for which reimbursement is being requested and in a format specified by TJJD. Supplemental Foster Care Maintenance may be claimed for expenses incurred on behalf of a child who meets Title IV-E eligibility criteria and are reimbursed at the prevailing federal medical assistance percentage (FMAP) rate. Maintenance expenses for supplemental foster care must be actual, allowable under Title IV-E, child specific and supported by required documentation (original receipts). Details regarding allowable expenses are provided in form TJJD-IVE-101.

19. ADMINISTRATIVE REIMBURSEMENT.

Reasonable, allowable and properly allocated administrative costs may be reimbursed for allowable expenditures by the following methodologies:

19.1 Direct Administrative Reimbursement.

Direct Administrative Reimbursement may be claimed by submitting an approved, correct and complete direct reimbursement claim form within 1 quarter, but no later than 5 quarters, of the end of each federal fiscal quarter for which the juvenile probation department is seeking reimbursement. Claims not received within 5 quarters of the quarter for which the juvenile probation department is seeking reimbursement may not be paid. The juvenile probation department must ensure that all costs included in the reimbursement request are reasonable, allowable and properly allocated and that sufficient documentation is available to substantiate all costs. If the juvenile department is seeking reimbursement for staff salaries and fringe benefits, an approved time study must be included with the claim. If the juvenile probation department is using time sheets, the designated Title IV-E Fiscal or Program Coordinator must review and approve time sheets for all staff participating in the time study.

19.2 Enhanced Administrative Reimbursement.

19.2.1 Implementation Plan. The juvenile probation department must submit an implementation plan to TJJD for approval at the beginning of each federal fiscal year, but no later than



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December 31, detailing the methodologies that the department will use in implementing the Title IV-E Program and must follow these procedures and requirements adopted and approved by TJJD. The juvenile probation department must follow any additional procedures or requirements added to their implementation plan by the juvenile probation department's own initiative if approved by TJJD. Title IV-E enhanced administrative reimbursements will not be processed until this document has been received, reviewed and approved by TJJD.

19.2.2 Cost Allocation Plan. A cost allocation plan (CAP) must be submitted to TJJD at the beginning of each federal fiscal year, but no later than December 31. Any subsequent addendum or other proposed changes must be submitted to TJJD for review. The CAP must be prepared in compliance with the Code of Federal Regulations (CFR) Title 45, Section 1356.60 et.seq. and CFR Title 2 Section 225. The CAP must be based on the federal fiscal year using a fixed rate. Title IV-E enhanced administrative reimbursements will not be processed until this document has been received, reviewed and accepted by TJJD. The CAP must include:

- 19.2.2.1** An organizational chart of the juvenile probation department showing the structure of each division whose costs will be claimed for reimbursement under the Title IV-E Program;
- 19.2.2.2** A list of all federal and non-federal programs performed, operated, administered or serviced by each division of the juvenile probation department;
- 19.2.2.3** A description of the activities performed by each division of the juvenile probation department and the applicability to the Title IV-E Program;
- 19.2.2.4** The estimated cost increase or decrease resulting from the proposed changes to the juvenile probation department's previous fiscal year's CAP;
- 19.2.2.5** The cost allocation plan must clearly document the following:
 - a. The dates of the juvenile probation department's fiscal year;
 - b. The dates of actual expenditures on which the CAP is based, and
 - c. The fiscal year for which the CAP is prepared.
- 19.2.2.6** Certification by a duly authorized official no lower than the chief financial officer of the governmental unit (*county auditor certification is acceptable*) that the plan:
 - a. Was prepared in accordance with 2 CFR Section 225;
 - b. Provides an identification of the unit rendering the service and the operating agencies receiving the service;
 - c. Includes the items of expense included in the cost of the service;



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- d. Designates the method used to distribute the cost of the service to benefited agencies; and
- e. Contains a summary schedule showing the allocation of each service to the specific agencies supported by the last audited comprehensive annual financial report. The comprehensive annual financial report must be made available for review upon request by TJJD.

19.2.3 Indirect Cost Rate Proposal. An indirect cost rate proposal must be submitted at the beginning of each federal fiscal year, but no later than December 31. An accurate county-certified indirect cost rate proposal must be based on the information contained in the juvenile probation department's CAP and in accordance with 2 CFR Section 225 and 45 CFR Section 1356.60 et. seq. If the juvenile probation department does not wish to claim indirect costs, they must submit a letter, signed by the chief juvenile probation officer attesting to this fact. The juvenile probation department will not be eligible to receive Title IV-E enhanced administrative reimbursements until its indirect cost rate proposal has been reviewed and accepted by TJJD or documentation of a decision not to claim these costs has been received. The juvenile probation department must include in its indirect cost rate proposal the following documentation:

- 19.2.3.1** Any worksheets and other relevant data, cross-referenced and reconciled that is used by the juvenile probation department to establish the indirect cost rate;
- 19.2.3.2** The approximate amount of direct-based costs, as direct-based costs are defined by 2 CFR Section 225; and
- 19.2.3.3** A certification by a duly authorized official at a level no lower than chief financial officer of the governmental unit that submits the proposal, that the plan has been prepared in accordance with 2 CFR Section 225 and 45 CFR Section 1356.60 et. seq.

19.2.4 DFPS Budget for Purchase of Services. The juvenile probation department must submit a DFPS Budget for Purchase of Services, also referred to as "Budget Form 2030" at the start of each federal fiscal year, but no later than December 31, with an estimate of the total costs (including foster care maintenance, administrative and supplemental foster care maintenance costs) for which the juvenile probation department will be seeking reimbursement. TJJD will not process Title IV-E claims until this form is submitted and approved.

- 19.2.4.1** The Budget Form 2030 must be submitted by the chief juvenile probation officer or an authorized designee.
- 19.2.4.2** All costs must be allowable and reasonable.



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19.2.5 Memorandum of Understanding (MOU). All juvenile probation departments entering into a consortium with other departments to share eligibility rates and time study results must sign and submit to TJJD a memorandum of understanding outlining the terms of the agreement. Departments wishing to join a consortium mid-fiscal year must submit a written request to TJJD. Title IV-E enhanced administrative claims will not be processed until TJJD has received all signed MOUs (or revised MOUs) from the departments included in the consortium.

19.2.6 Title IV-E Enhanced Administrative Claim. The juvenile probation department must submit an approved, correct and complete enhanced administrative claim within 1 quarter of the end of each federal fiscal quarter, but no later than 5 quarters, for which reimbursement is being sought. Claims not received within 5 quarters of the quarter for which the juvenile probation department is seeking reimbursement may not be paid. The juvenile probation department must ensure that all costs documented on the Title IV-E enhanced administrative claim are reasonable, allowable and properly allocated and that sufficient documentation is available to substantiate all costs. The juvenile probation department must include in its Title IV-E enhanced administrative claim the following documentation:

19.2.6.1 Indirect Cost Rate. The Title IV-E enhanced administrative claim must include the indirect cost rate as documented in the cost allocation plan;

19.2.6.2 Eligibility Rate for Title IV-E Certified Children. The Title IV-E enhanced administrative claim calculates an eligibility rate using the information provided by the juvenile probation department. The juvenile probation department must include the following information on the claim to ensure that the eligibility rate is calculated correctly:

19.2.6.2.1 The juvenile probation department must ensure that the correct number of Title IV-E certified children (determined by DFPS) is included on the claim for each month of the quarter; and

19.2.6.2.2 The juvenile probation department must document on the claim all children in foster care for each month of the quarter, with the name of the placement and dates of placement for each child listed.

19.2.6.3 Eligibility Rate for Reasonable Candidates. If the juvenile probation department is seeking reimbursement for reasonable candidates, they must include the number of reasonable candidates and non-candidates for each quarter. The resulting rate is reported by TJJD to DFPS.

19.2.6.4 Time Study Methodology. The juvenile probation department must use the approved time study methodology included in the implementation plan previously submitted by the juvenile probation department and approved by TJJD. If the department is using time sheets, the designated Title IV-E Fiscal or



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Program Coordinator must review and approve the time sheets for all staff participating in the time study. The results of the time study must be accurately documented on the Title IV-E enhanced administrative claim. If the juvenile probation department is seeking reimbursement for reasonable candidates, they must include all time study documentation with the Title IV-E enhanced administrative claim. Time studies for reasonable candidate moments must be submitted to TJJD no later than the end of the quarter following the quarter for which the juvenile probation department is seeking reimbursement.

20. UNALLOWABLE REIMBURSEMENTS.

The juvenile probation department must repay TJJD all funds paid to the juvenile probation department for ineligible administrative and foster care maintenance claims retroactive to the earliest date of ineligibility. The juvenile probation department must notify TJJD immediately when it is discovered that child has become ineligible for Title IV-E funding. In the event the juvenile probation department is required to repay funds, TJJD may exercise the following options:

- 20.1** TJJD may deduct the amount of federal recoupment from the next scheduled Title IV-E payment from TJJD to the juvenile probation department;
- 20.2** If the next scheduled payment is insufficient to satisfy the federal recoupment, the juvenile probation department must pay TJJD the required amount within 45 calendar days of the date of written notice from TJJD; or
- 20.3** If the juvenile probation department fails to reimburse TJJD for the ineligible claims as detailed above, TJJD may withhold funds from any and all state grant programs funded by TJJD in which the juvenile probation department participates until the arrearage is paid.

21. ALLOWABLE EXPENDITURE OF FUNDS.

The juvenile probation department must expend funds received under this program for allowable expenditures as detailed herein.

- 21.1** The juvenile probation department must use any and all financial reimbursements received through the Title IV-E Program for juvenile justice services.
- 21.2** The juvenile probation department may expend funds for the purchase of equipment, renovation or construction with prior authorization by TJJD. An item is equipment if county policy requires it to be capitalized or, if the county has no policy, it has a useful life of more than 1 year and a cost of more than \$5,000.00.

22. UNALLOWABLE EXPENDITURE OF FUNDS.

- 22.1** The juvenile probation department must not expend, obligate or utilize Title IV-E funds for any purpose other than those authorized in Section 21 above.



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- 22.2** The juvenile probation department must not expend more than fifteen percent (15%) of any federal funds received pursuant to the Title IV-E Program for any flat or contingency fees paid to private service providers for Title IV-E administrative claiming.

23. FINANCIAL MATCH REQUIREMENTS. None

24. FUNDING ADJUSTMENTS.

- 24.1 Reduction of Payments.** None.

- 24.2 Unexpended Balances.** None.

- 24.3 Overpayments.** The juvenile probation department must refund to TJJD all overpayments made by TJJD within 45 calendar days after discovery or receipt of written notice from TJJD.

- 24.4 Refunds Due.** The juvenile probation department must, within 45 calendar days of confirmation, refund all amounts due to TJJD for unallowable expenditures under the Title IV-E Federal Foster Care Reimbursement Program Requirements.

25. TIMELY EXPENDITURE OF FUNDS. None.

26. AUDITS. See also General Grant Requirements.

- 26.1** The juvenile probation department must be responsible for determining applicability and ensuring compliance with the Single Audit Act of 1984, Public Law 98-502, and as amended by the Single Audit Act Amendments of 1996, Public Law 104-156 as it relates to reimbursements received under this Grant. The juvenile probation department must have a Single Audit performed, if applicable, and retain copies for future review by federal and state officials. Per OMB Circular A-133, Section 320(e), the juvenile probation department must submit one copy of the reporting package, when Schedule of Findings and Questioned Costs disclose an audit finding relating to Title IV-E funding.

27. FINANCIAL ASSURANCES. See also General Grant Requirements.

- 27.1** The receipt and expenditure of Title IV-E federal reimbursements received by the juvenile probation department pursuant to this program are accounted for separately and expended according to program requirements.
- 27.2** Prior written authorization from TJJD is received for the purchase of equipment, renovation or construction. An item is equipment if county policy requires it to be capitalized or, if the county has no policy, it has a useful life of more than one year and a cost of more than \$5,000.00.
- 27.3** No more than fifteen percent (15%) of any federal funds received pursuant to the Title IV-E Program are used for any flat or contingency fees paid to private service providers for administrative claiming.



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- 27.4** Idle funds are invested in an account that provides a reasonable interest rate and provides necessary protection of principal. Interest generated as a result of Title IV-E funds deposited from TJJD is credited to the account for enhancing juvenile justice services.
- 27.5** Salary expenses reported on Title IV-E administrative reimbursement claims do not include travel allowances or emoluments.
- 27.6** Title IV-E-specific training and general training costs reported on Title IV-E administrative claims are an accurate representation of costs.
- 27.7** Direct and indirect costs reported on Title IV-E administrative claims are an accurate representation of allowable expenses incurred on behalf of the Title IV-E Program.
- 27.8** Any and all findings related to the Title IV-E Program noted in the annual Single Audit for the juvenile probation department, if applicable, are disclosed in the Schedule of Findings and Questioned Costs in the juvenile probation department's Annual Independent Audit and a reporting package is submitted to TJJD as prescribed by OMB A-133
- 27.9** The juvenile probation department's policies on compensatory time and overtime pay are consistently applied to employees of the juvenile probation department for all state and federal programs.

28. FINANCIAL REPORTING.

- 28.1 Annual Reports.** The juvenile probation department must designate a Title IV-E Program Coordinator and a Title IV-E Fiscal Coordinator through the Juvenile Probation Directory on the TJJD website.
- 28.2 Quarterly Reports.** None
- 28.3 Monthly Reports.** None
- 28.4 Other Periodic Reports.** None

29. FINANCIAL MONITORING (REVIEWS).

- 29.1 On-Site Financial Reviews.** The juvenile probation department is subject to on-site financial monitoring scheduled at the discretion of TJJD. Scheduled on-site visits are announced and confirmed in writing at least 15 calendar days in advance of the visit whenever possible. Scheduled on-site visits will be conducted during the juvenile probation department's regular operating hours. The visit may include a review of policies, procedures, and records; interviews with staff in the juvenile probation department, county auditor's office, and/or the county treasurer's office, and other personnel. The length of the visit will vary and will depend on the number documents to be reviewed and the number of TJJD staff available to conduct the review. Each visit will conclude



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with an exit conference with appropriate staff and the presentation of findings in the Performance Rating Profile Report.

- 29.2 Unannounced On-Site Financial Reviews.** TJJD may conduct unannounced on-site visits in addition to its scheduled on-site visits. Unannounced on-site visits may be made without any advance notification and may occur at any time. Unannounced on-site visits may be conducted at random or for cause. TJJD may determine cause exists by assessing alleged non-compliance with program requirements, as a means to monitor program improvement plans (PIPs), or due to a request for intervention from other federal, state or local government entities or the public. The length and scope of an unannounced on-site visit will be dependent on the circumstances that led to the visit.
- 29.3 Desk Reviews.** TJJD may monitor compliance with program requirements via a desk review, which includes a review of select records and financial documentation. The juvenile probation department must make available to TJJD any written policies and procedures, juvenile and staff records, juvenile board documentation, and other applicable documents. The review of written documentation and materials may be supplemented by phone interviews with financial staff in the juvenile probation department, county auditor's office and/or the county treasurer's office. Findings will be presented in a Performance Rating Profile Report. The juvenile probation department must ensure its agents will comply with all requests for information during the course of a desk review by TJJD or its authorized designee.

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APPLICABLE LAW, POLICY AND PROCEDURE

30. APPLICABLE LAW, POLICY AND PROCEDURE.

The Juvenile probation department must comply with the following applicable federal and state laws, standards, policies and procedures as they currently exist or as amended, revised or enacted.

30.1 Applicable Standards.

30.1.1 Texas Administrative Code (TAC) Title 37 Public Safety and Corrections.

30.1.1.1 Chapter 341 – Texas Juvenile Justice Department;

30.1.1.2 Chapter 344 – Employment, Certification, and Training for Juvenile Officers;

30.1.1.3 Chapter 345 – Code of Ethics;

30.1.1.4 Chapter 349 – General Administrative Standards;

30.1.1.5 Chapter 350 – Investigating Abuse, Neglect Exploitation Death and Serious Incidents by the Texas Juvenile Justice Department; and

30.1.1.6 Chapter 358 – Identifying, Reporting and Investigating Abuse, Neglect Exploitation, Death and Serious Incidents in Departments, Programs and Facilities.

30.1.2 Texas Administrative Code (TAC) Title 40, Part 19 Department of Family and Protective Services.

30.1.2.1 Chapter 732, Sections 732.240-256 – Contracted Services.

30.2 General Statutes. See General Grant Requirements.

30.3 Federal Law.

30.3.1 Code of Federal Regulations (CFR) Title 45 – Public Welfare, *as amended*;

30.3.1.1 Title 45 Code of Federal Regulations, Section 1356.60 – Requirements Applicable to Title IV-E.

30.3.2 Code of Federal Regulations (CFR) Title 2 – Office of Management and Budget.

30.3.2.1 Title 2 Code of Federal Regulations, Section 225 – Cost Principles for State, Local and Indian Tribal Governments.



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30.3.3 Office of Management and Budget (OMB) Circular A-102, *as amended*.

30.3.3.1 Office of Management and Budget (OMB) Circular A-102 – Grants and Cooperative Agreements with State and Local Governments.

30.3.4 Office of Management and Budget (OMB) Circular A-133, *as amended*.

30.3.4.1 Office of Management and Budget (OMB) Circular A-133 – Audits of States, Local Governments and Non-Profit Organizations.

30.3.5 Social Security Act, *as amended*.

30.3.5.1 Title 42 United States Code et. seq. – Social Security Act, Title IV-E.

30.3.6 Preventing Sex Trafficking and Strengthening Families Act, *as amended*.

30.3.6.1 Public Law 113-183 (HR 4980)

30.3.7 Child and Family Services Improvement Act of 2006, *as amended*.

30.3.7.1 Public Law 109.288

30.4 State Law.

30.4.1 Texas General Appropriations Act.

30.4.2 Texas Government Code, Title 7 – Uniform Grant and Contract Management.

30.4.2.1 Chapter 783 – Uniform Grant and Contract Management Act

30.5 Policy and Procedure.

30.5.1 State of Texas Governmental Title IV-B and PAL (Title IV-B and IV-E) Purchased Services Contract.

30.5.2 Records Retention. The Juvenile probation department must maintain sufficient financial and program documentation to verify the basis of all claims that are submitted for reimbursement and to verify compliance with all state and federal program requirements. Sufficient financial documentation must be maintained to substantiate that all expenditures are allowable, reasonable and properly allocated. Records and documents must be retained and made available upon request for review for a minimum of 5 years after the end of the federal fiscal year in which the services were provided. If any litigation, claim or audit involving these records begins before the 5 year period expires, the juvenile probation department will keep the records and documents for not



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less than 5 years and until all litigation, claims, or audit findings are resolved by a final order or by written agreement.

Pursuant to the current Interagency Cooperation Contract with DFPS, the Juvenile probation department may not dispose of any records pertaining to children in DFPS conservatorship before providing DFPS written notice of its intent to dispose of records and receiving written approval from the DFPS contract manager. The notice of intent and subsequent approval will be facilitated through TJJD.

- 30.5.3 Official Communication and Assistance.** The juvenile probation department must forward all inquiries, comments and correspondence regarding the Title IV-E Program directly to TJJD and to no other persons, entities, state or federal agencies. If the juvenile probation department utilizes any private vendors to perform services related to submitting Title IV-E maintenance and administrative claims, all official communications with TJJD, both formal and informal, must be initiated by either the Title IV-E Fiscal Coordinator or the Title IV-E Program Coordinator. The coordinators must also act as the juvenile probation department's primary representative in any meetings related to Title IV-E programmatic/fiscal issues and provide assistance as needed to TJJD staff related to program or fiscal monitoring by any federal or state governmental entity or its designee
- 30.5.4 Privatization and Subcontracts for Title IV-E Administration.** All subcontracts entered into by the juvenile probation department must be in writing stating that all subcontractors must be subject to the General Grant Requirements and/or requirements specified herein as well as applicable TJJD standards. The juvenile probation department must accept financial responsibility for the performance, nonperformance, errors and omissions of a subcontractor who entered into a contract for the provision of Title IV-E Federal Foster Care Program management
- 30.6 Certifications.** The juvenile probation department must comply with the provisions of the certifications enumerated below and must require compliance by all sub recipients of federal funds or include the language of these certifications in the award documents for all sub awards at all tiers, including subcontracts, sub grants and contracts under grants, loans and cooperative agreements.
- 30.6.1 Certification Regarding Lobbying.** Federal and state laws place restrictions on the use of state and federal funds in regard to lobbying. The juvenile probation department certifies, to the best of its knowledge and belief that:
- 30.6.1.1** In accordance with 31 U.S.C. §1352, no federal appropriated funds have been paid or will be paid, by or on behalf of the juvenile probation department, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension,



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continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;

30.6.1.2 If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned will complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions;

30.6.1.3 The juvenile probation department will require that the language of this certification be included in the award documents for subcontracts and that all subcontractors will certify and disclose accordingly; and

30.6.1.4 Payments of appropriated or other funds to the juvenile probation department under any resulting agreement are not prohibited by Texas Government Code §556.005 or §556.008.

30.6.2 Certification Regarding Suspension, Ineligibility and Voluntary Exclusion. In accordance with Executive Orders 12549, 13224 and 12689 regarding federal regulations on debarment, suspension, ineligibility, and voluntary exclusion, the juvenile probation department certifies the following:

30.6.2.1 That the juvenile probation department is, to the best of its knowledge and belief, not on the specially designated nationals list or debarred, suspended, declared ineligible, or voluntarily excluded from participation in this solicitation or any resulting contract;

30.6.2.2 That the juvenile probation department will not knowingly enter into any subcontract with a person who is on the specially designated nationals list or debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by TJJD or the U.S. Department of Health and Human Services or U.S. Treasury Department, as applicable; and

30.6.2.3 That the juvenile probation department will include this Section regarding debarment, suspension, ineligibility, and voluntary exclusion, and the specially designated nationals list without modification in any subcontracts or solicitations for subcontracts.

30.6.3 Drug-Free Workplace Certification. The juvenile probation department certifies that it will or will continue to provide a drug-free workplace by:



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- 30.6.3.1** Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the juvenile probation department's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- 30.6.3.2** Establishing an ongoing drug-free awareness program to inform employees about:
 - 30.6.3.2.1** The dangers of drug abuse in the workplace;
 - 30.6.3.2.2** The juvenile probation department's policy of maintaining a drug-free workplace;
 - 30.6.3.2.3** Any available drug counseling, rehabilitation and employee assistance programs; and
 - 30.6.3.2.4** The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- 30.6.3.3** Making it a requirement that each employee to be engaged in the performance of the program be given a copy of the statement required by Sub-Section 30.6.3.1;
- 30.6.3.4** Notifying the employee in the statement required by Sub-Section 30.6.3.1 that, as a condition of employment under the program, the employee will:
 - 30.6.3.4.1** Abide by the terms of the statement; and
 - 30.6.3.4.2** Notify the juvenile probation department in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than 5 calendar days after such conviction.
- 30.6.3.5** Notifying TJJD in writing, within 10 calendar days after receiving notice under Sub-Section 30.6.3.4.2 from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position and title, to every program officer or other designee on whose program activity the convicted employee was working, unless the federal agency has designated a central point for the receipt of such notices. Notice will include the identification number(s) of each affected program;
- 30.6.3.6** Taking one of the following actions, within 30 calendar days if receiving notice under sub Section 30.6.3.4.2, with respect to any employee who is so convicted:



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- 30.6.3.6.1** Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- 30.6.3.6.2** Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency; and
- 30.6.3.6.3** Making a good faith effort to continue to maintain a drug-free workplace.

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